

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 26, 2007

DIVISION THREE

B191338 People (Not for Publication)
v.
Judith Ann Staats

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B185476 People (Not for Publication)
v.
Condalee Morris

The judgment is modified by staying execution of sentence on appellant's conviction for criminal threats (count 6) pending completion of his sentence on his remaining convictions, such stay then to become permanent, and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modification.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B175736 People (Not for Publication)
v.
Christopher Wheeler

The judgment is reversed and the matter is remanded with the following directions. Following remand, and consistent with the views expressed in this opinion, the trial court must conduct an in camera inspection for the requested information from the personnel records of Los Angeles Police Officers Garrett Fitzgerald, Michael Fletcher, Robert Beckers, and Norm Mikkelson, and Los Angeles Police Detective Robert D’Orazio, for relevance. If the trial court’s inspection on remand reveals no relevant information, the trial court must reinstate the judgment, which shall then stand affirmed. If the inspection reveals relevant information, the trial court must order disclosure, allow appellant an opportunity to demonstrate prejudice, and order a new trial if there is a reasonable probability the outcome would have been different had the information originally been disclosed. If appellant fails to demonstrate prejudice, the trial court must reinstate the judgment, which shall then stand affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B191830 People (Not for Publication)
v.
Raymond Joe Hodge

The judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment consistent with this opinion.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (continued)

B171639 People (Not for Publication)

V.

Paul S. Barnes

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.

Aldrich, J.

DIVISION FOUR

B191131 People (Not for Publication)

V.

Taylor

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.

Suzukawa, J.

B195949 Fuerte (Not for Publication)

V.

Craton et al.

The purported appeal from the order of November 16, 2006 is dismissed.

The parties to bear their own costs on appeal. (Cal. Rules of Court, rule 8.276(a)(4).)

Willhite, J.

We concur: Epstein, P.J.

Manella, J.

DIVISION FOUR (continued)

B189869 The Bd. of Trustees, Calif. State Univ. (Certified for Publication)
v.
Public Employment Relations Board
California Faculty Association, Respondent

Let a writ of mandate issue directing PERB to vacate its decision sustaining CFA's unfair labor practice charge, and to enter a new and different order denying that charge.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FIVE

B200879 Keith Williams
B200880 v.
Trustee Properties

Filed order consolidating above captioned appeals.

DIVISION SIX

B193534 People (Not for Publication)
v.
Zepeda

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

September 26, 2007 (Continued)

DIVISION SEVEN

September 26, 2007

998575-07

The Honorable JOHN SHEPARD WILEY, JR, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Seven, as a justice thereof, on the following dates:

October 22, 2007 to January 22, 2008

And until completion and disposition of all causes and matters pro tempore submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

B190933 People (Not for Publication)
v.
Zucker

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

September 26, 2007 (Continued)

DIVISION SEVEN(continued)

B194316 Hughes et al., (Not for Publication)
v.
DeRoy, et al.,
Semel et al.,

The order is vacated and the matter is remanded to the trial court for proceedings not inconsistent with this opinion. Appellants shall recover their costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B188712 Vargas et al., (Not for Publication)
v.
Medina

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

[illegible]

The convictions underlying the judgment are affirmed, but the matter is remanded for resentencing.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN(continued)

[illegible]

We strike the section 12022.53 finding and sentence enhancement on count 1. We vacate the sentence imposed for the section 12022.53 enhancement on count 1 and remanded for resentencing. In all other respects, the judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

B174223 People (Not for Publication)
v.
Allen

The concurrent terms imposed on counts 1 and 6 are stayed. The gun use enhancement imposed on the subordinate term in count 2 is reversed. In all other respects the judgment is affirmed and the case is remanded for resentencing in accordance with this opinion.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

B192640 Jafari (Certified for Publication)
v.
EMC Insurance Companies et al.,

The judgment is reversed and the cause is remanded for further proceedings consistent with this opinion. Jafari is awarded his costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

September 26, 2007 (Continued)

DIVISION SEVEN (continued)

[illegible]

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION EIGHT

Court convened at 9:10 a.m.

Present: Cooper, P.J., Rubin, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B192539 People v. Polanco
B189480 People v. Goforth
B188142 People v. Reinoso
B187784 People v. Jose G.

Argument waived, cause submitted.

B195168 People
v.
Thompson

Merits:

Argued by Robert M. Snider, Deputy Attorney General for respondent and appearance only by Richard L. Fitzer for appellant. Cause submitted.

DIVISION EIGHT (continued)

B185940 People
 v.
 Barba

Merits:

Argued by Andrew E. Rubin for appellant and by Deborah J. Chuang,
Deputy Attorney General for respondent. Cause submitted.

B195956 People
 v.
 Herrera

Merits:

Argued by Carlo A. Spiga for appellant and by Viet Nguyen, Deputy
Attorney General for respondent. Cause submitted.

B193569 Kisaka
 v.
 Banco Popular, Inc. et al.,

Merits:

Argued by Doug Kisaka, appellant, appearing in propria persona and by Jay
R. Ziegler for respondents. Cause submitted.

B195366 Kisaka
 v.
 Popular, Inc.,

Merits:

Argued by Doug Kisaka, appellant, appearing in propria persona and by Jay
R. Ziegler for respondent. Cause submitted.

September 26, 2007 (Continued)

DIVISION EIGHT (continued)

B196455 State of California ex rel. John Metz
v.
Farmers Group, Inc. et al.,

Merits:

Argued by Edwin Stein for appellant and by Steven Weinstein for respondents. Cause submitted.

B198136 Doe, et al.,
v.
Salesian Society

Oral argument continued to October 30, 2007, at 9:00 a.m.

B192897 Siegel
v.
Mithcell, Silberberg & Knupp

Oral argument continued to October 30, 2007, at 9:00 a.m.

Court adjourned.

[illegible]

Appellant's conviction is modified from a violation of section 4530, subdivision (b) to a violation of section 4530, subdivision (c). The trial court is directed to prepare corrected abstract of judgment to reflect that modification, and to forward a certified cop of the corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

September 26, 2007 (Continued)

DIVISION EIGHT (continued)

B197614 People (Not for Publication)
v.
Campos

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B182089 Apollo Capital Fund LLC
v.
Roth Capital Partners, LLC

Filed order vacating submission order of 6/29/07. Cause resubmitted.

B190239 People
v.
Miller

Filed order vacating submission order of June 28, 2007. Cause resubmitted.

B187273 Richeson et al.,
v.
Helal et al.,

Filed order vacating submission order of June 28, 2007, due to the reconstitution of the panel. Cause submitted.

September 26, 2007 (Continued)

DIVISION EIGHT (continued)

B180457 Mejia
 v.
 California Home Development, LLC

Filed order vacating submission order of June 28, 2007. Cause resubmitted.